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February 2, 2016

San Francisco Bay Regional Water Quality Control Board
Naomi Feger
1515 Clay Street, Suite 1400
Oakland, CA 94612

Sent via e-mail: naomi.feger@waterboards.ca.gov

Subject: Scientific Basis to Assess the Effects of Nutrients on San Francisco Bay Beneficial Uses, October 2015

Dear Ms. Feger:

Sacramento Regional County Sanitation District (Regional San) appreciates the opportunity to comment on the above subject report, hereafter referred to as the Assessment Framework. Regional San provided primarily technical comments on the May 2013 Draft White Paper evaluating approaches for developing an assessment framework. We highlighted our overall concern that policy decisions be made with critically reviewed science. We acknowledge your efforts in providing a draft Assessment Framework that is based on sound science. Our main concerns with the draft document are related to how policy/management decisions, and stakeholder involvement are integrated into the draft Assessment Framework.

Since 2013 Regional San has worked with the Delta Science Program advocating for the inclusion of resource managers in the science/policy interface to help inform decisions that lead to desirable, achievable ecosystem outcomes. We recommend that the draft Assessment Framework state clearly up front that it is a draft decision making guidance document, and that additional monitoring, data collection and modeling is needed to refine the draft Assessment Framework before it can be used as a nutrient management tool. The draft Assessment Framework is part of an iterate process involving science, policy, and managers to make appropriate, attainable management decisions that will lead to desired ecosystem outcomes.

Regional San is a strong advocate for robust stakeholder processes that can provide meaningful dialogue during a regulatory process. Along those lines, we recommend adding text to the document describing the stakeholder review process that will occur prior to finalization of the draft Assessment Framework by the Steering Committee. Also, in the Executive Summary page ii, paragraph 3, states:

> "Through early interactions with the stakeholder community, these two components of the AF appear to have the greatest consensus and the least "uncertainty".

We believe it is premature to include this statement since the Nutrient Technical Workgroup, Stakeholder Advisory Group, and Steering Committee have not yet reviewed the draft Assessment Framework.

It is important that the draft Assessment Framework document be revised to reflect the proper context for information presented in the document. Language should be added to describe the timing and use of the information being developed through the draft Assessment Framework in the overall San Francisco Bay Nutrient Management Strategy and the NPDES Nutrient Watershed Permit activities.

As described on the SFEI website regarding the San Francisco Bay Nutrient Management Strategy, there are several other principal elements of the Nutrient Management Strategy in addition to the "Assessment Framework":

- Implement a monitoring program that supports regular assessments of the Bay
- Develop and utilize nutrient load-response models to support nutrient management decisions
- Evaluate control strategies to reduce nutrient inputs
- Consider alternative regulatory scenarios for moving forward with nutrient management in San Francisco Bay

As is stated by SFEI, and well recognized by stakeholders, the time to generate the scientific understanding to support management decisions will likely take a decade or more, and will require a significant investment of resources. Sophisticated modeling tools, together with complimentary monitoring and research efforts to inform that modeling, must be developed over the next 10 years which will allow all stakeholders to understand the environmental benefits of various nutrient management alternatives. This is a key step in setting attainable nutrient management goals and making effective nutrient management decisions. The draft Assessment Framework provides important information that will ultimately be used in these nutrient management decisions.

The draft Assessment Framework document (Executive Summary, page ii, third paragraph, and page 4 first paragraph) states:

> "The AF is intended to provide a decision framework for quantifying the extent to which SFB is supporting beneficial uses with respect to nutrients."

We believe this statement is problematic, for the following reasons.

- The Assessment Framework is not meant to be a stand-alone decision tool. We see information developed in the Assessment Framework being useful for nutrient management decisions, down the road, when considered together with information derived from monitoring and modeling elements of the San Francisco Bay Nutrient Management Strategy.

- It is premature to be making definitive statements and drawing conclusions in the Assessment Framework document at this time. These premature pronouncements and judgment calls regarding attainment of beneficial uses is unnecessary and potentially counter-productive. We would strongly suggest that the draft document be revised to provide information regarding the range of current or potential biological conditions without rendering value judgments regarding "acceptable" levels of attainment of beneficial uses.

In the Executive Summary, page II, first paragraph, it is stated:

> "Recent observations have reinforced the need to identify numeric water quality objectives and management actions to protect SFB from the potential effects of nutrient over-enrichment."

This statement is different than the statement made in the body of the draft document on page 39, line 1271, where the word "or" was used instead of the word "and". We agree with the use of the word "or", since it provides flexibility for an implementation plan that may, or may not, include numeric water quality objectives. As stated earlier, information needs to be developed through modeling, monitoring and research to arrive at an understanding of the most appropriate approach to be taken.

In the Executive Summary, page ii, second paragraph, statements are made regarding "Decisions on classification bins" and definition of "thresholds". As stated above, we do not believe that definitive "decisions" or "thresholds" are necessary or appropriate at this time in the overall process. We advocate the use of different terminology such as "preliminary assessment guidelines" or other less definitive terms to convey information regarding the range of biological conditions as part of the Assessment Framework. These "decisions" on "thresholds" are not pure scientific determinations, require stakeholder input, and have significant potential policy ramifications.

Lastly, we reviewed the flow diagrams in the June 1, 2015 DRAFT Science Plan for the intersection of science, policy, and management decisions to determine where, and by who, management decisions where to be made. We could not easily tease out the intersection from the boxes in Figure S.1, page 20. We recommend that the diagram be modified to clearly show who is involved in making decisions in any of the diamond boxes within Figures S.1-S.5.

In closing, we believe numeric nutrient water quality objectives are tools that can be used, primarily, to manage nutrient loads to achieve desired ambient concentrations. Therefore, the usefulness of numeric objectives is linked to two questions:

- Whether management of nutrient loads to achieve ambient concentrations in San Francisco Bay can yield desired biological outcomes

- Whether load management in San Francisco Bay is a feasible and cost-effective approach to attaining those outcomes.

As currently structured, we see the Nutrient Management Strategy and Nutrient Watershed permit for San Francisco Bay as appropriate vehicles for answering these fundamental questions, if fully implemented. Adequate time must be allowed for the appropriate information to be developed. The draft Assessment Framework document should therefore be revised to ensure its proper use in the continued implementation of the Nutrient Management Strategy.

It is our belief that premature adoption of numeric nutrient water quality objectives, and the resulting establishment of effluent limitations in NPDES permits, would jeopardize the fulfillment of the agreed upon approach and time frames for making major nutrient management decisions.

Regional San appreciates the thorough scientific backbone that is integral to the San Francisco Bay Nutrient Management Strategy and the opportunity to provide comments on the draft Assessment Framework. We will continue to provide stakeholder input on the use of the draft document, in conjunction with the draft Science Plan, and monitoring and modeling of nutrients in the Bay-Delta. If you have any questions please contact me at 916-876-6030, or dornl@sacsewer.com.

Sincerely,

Linda Dorn
Environmental Program Manager

cc: Christoph Dobson
Terrie Mitchell
Lisa Thompson
Tim Mussen